

APPROVED: Meeting No. 37-87

ATTEST: *Helen M. Heneghan*

MAYOR AND COUNCIL

ROCKVILLE, MARYLAND

MEETING NO. 10-87

March 2, 1987

The Mayor and Council convened in work session in the City Manager's Conference Room, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, March 2, 1987, at 7:30 p.m.

PRESENT

Mayor Steven Van Grack

Councilman Jim Coyle

Councilman Peter Hartogensis

ABSENT

Councilman Steve Abrams

Councilman Doug Duncan

The Mayor in the Chair.

In attendance: City Manager Richard V. Robinson, City Clerk Carol A. Kachadoorian, and City Attorney Paul T. Glasgow.

Re: Work Session: Traffic and
Transporation Commission

Present at the work session with the Mayor and Council were Joe Cutro, City's Traffic Engineer and members of the Traffic and Transportation Commission. Items discussed at the work session were:

1. The standard methodology for traffic impact agreements.
2. Rockville Pike Plan.
3. Maryland Route 28 West of I-270.

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There being no further business to come before the Mayor and Council in work session the meeting was adjourned at 8:17 p.m.

Re: General Session

The Mayor and Council convened in general session in the Council Chamber at 8:21 p.m.

PRESENT

Mayor Steven Van Grack

Councilman Jim Coyle

Councilman Peter Hartogensis

Councilman Steve Abrams
(arrived late)

ABSENT

Councilman Doug Duncan
(due to illness)

The Mayor in the Chair.

In attendance: City Manager Richard Robinson, City Clerk Carol Kachadoorian, and City Attorney Paul Glasgow.

Re: Invocation

The invocation was provided by Mayor Van Grack.

Re: City Manager's Report

City Manager Richard Robinson reported the following:

1. The citizens' survey of City Services recently conducted is complete. The report was delivered this afternoon to City Hall. Over 96% of Rockville residents give a positive rating to the quality of life in their city, according to a recent citizen survey.

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Based on a poll last November of 523 randomly selected households, 27 percent of Rockville residents rate the quality of life excellent, 53 percent rate it above average, and 17 percent rate quality of life as average. Only two percent of residents say the quality of life is below average or poor.

According to the poll, the availability of city services is the primary factor leading to an excellent or above average quality of life for 47 percent of residents.

Sixty-six percent or more of Rockville residents rate the basic City services average to excellent. Among the highest rated services are refuse collection and street lighting, each with an 89 percent average to excellent rating; property maintenance enforcement with an 86 percent rating; street repair, 85 percent; snow removal, 84 percent; and parks and playgrounds, with an 80 percent average to excellent rating.

The survey was prepared and conducted by MOBIUS Corporation, a computer software and statistical research firm in Alexandria, Virginia. Calls were made from a randomly selected list of Rockville telephone numbers. Of the respondents, 57 percent were female, 43 percent male; all were age 20 or over. Using a statistical weighting system, the survey results were applied to the city population as a whole.

Sixty-two percent of residents who believe the quality of life in Rockville has changed believe it has improved during the time they have lived in Rockville. Reasons cited include more convenient public transportation (30 percent), a greater number of shopping options (42 percent), availability of more cultural/civic events (18 percent), and a larger and more varied recreation program (17 percent).

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Thirty-eight percent of residents who believe the quality of life in Rockville has changed report that it has declined since they have lived in Rockville, with traffic congestion identified most frequently (42 percent) as the major factor contributing to this decline.

Almost half (47 percent) of all city residents have called the City for information or service in the past year, and 71 percent of these were satisfied with the results. The Department of Public Works, with 74 percent satisfaction, the Rockville Police Department, with 70 percent satisfaction, and the Recreation and Parks Department, with 73 percent satisfaction rates, are the most frequently contacted City departments. The Rockville Reports newsletter, published by the City's Public Information Office, is the primary source of information about City programs and services for 39 percent of residents. Local newspapers is second, with 28 percent citing them as most useful. Eighty-two percent rate Rockville Reports average to excellent, while 83 percent give the same rating to local newspapers.

Copies of the complete survey report are available for review at Rockville City Hall and the Rockville and Twinbrook Libraries and will be given to all board and commission members and to the presidents of all civic associations.

2. The Mayor and Council received proposals for a City community relations program and public relations program. The City Manager asked that the Mayor and Council set up a work session in order to discuss the two proposals and provide direction on how members wish to proceed.

Peter Hartogensis noted that the citizens' survey conducted confirms what most people in the City believe about City services: that is that residents are happy with services. In response to a question from Councilman Coyle, Mr. Robinson stated that 30 copies of the report are available this evening;

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however, we are making more than 200 copies available by the end of the week for Boards and Commissions members and citizens. In addition, Mr. Robinson stated that the City would look into the possibility of providing the report for those citizens who wish to purchase a copy.

Mayor Van Grack stated that there should be a work session with the Mayor and Council and the City Manager on the two proposed programs. With no objection from Council, he asked that the work session be scheduled sometime during the next few weeks.

Councilman Abrams noted that he had recently spoken with Ralph Stanley, administrator of the Urban Mass Transit Administration. Mr. Stanley indicated that funding is available for the monorail study. Councilman Abrams stated that he hopes that staff can have the proposal prepared as soon as possible. Councilman Abrams also advised the Mayor and Council that that today he met with 20 other elected officials around the country with President Reagan and Vice President Bush.

Re: Mayor's Report

Mayor Van Grack reported the following:

1. Mayor Van Grack commented on the City's Police Department noting that the Mayor and Council will meet with Chief Stout in Executive Session to discuss City services. In addition, he advised those present that on Wednesday evening, March 4, 1987, the Mayor and Council will be meeting with the Board of the Fraternal Order of Police. He concluded by saying that on Monday, March 9, the Mayor and Council will begin its decision making process on the issue, and he thanked the citizens for all their participation and comments.

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Re: Citizens' Forum

1. Sima Osdoby, 2 Stevenage Circle, addressed the Mayor and Council regarding the proposed election legislation. She thanked the Mayor and Council for her appointment to the Elections Task Force and congratulated staff on completing the ordinance and resolutions so quickly. In addition, she congratulated the Mayor and Council for its courage and insight to make election law reforms. Ms. Osdoby also spoke to the Mayor and Council on the school issue as it relates to elections. She stated that she hopes that in the forthcoming election schools will not be an issue so that the City is divided. Instead, she said she hopes that issue will be addressed in the context of equal education for all students and that the Mayor and Council should be a unifying voice to the School Board on school issues in the City.

Councilman Abrams responded that the City will intervene when policies of the School Board do not treat the City fairly. The two existing school boundary task forces are good examples of times when the City will intervene. He noted that the City asked to participate on the task forces; however, the School Board did not honor the City's request. Furthermore, Councilman Abrams noted that the Mayor and Council will continue to assert its role with the School Board in terms of its responsibility for students within the City.

2. John Tyner, Chairman, Independents for Rockville; spoke with the Mayor and Council regarding the proposed election law reforms asking that the Mayor and Council hold a public hearing on the ordinance and charter amendments in order to receive comments for the final legislation. In addition, he extended congratulations to members of the Mayor and Council for their recent appointments to Committees of the National League of Cities. He stated that each of them will represent the City well on their committees.

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City Attorney Paul Glasgow confirmed that a public hearing is being scheduled for the proposed election law reforms.

3. Joel Flax, Horizon Hill subdivision, relayed an incident that occurred on February 26, 1987, with his wife at the Ritchie Shopping Center. The incident included disturbances with students from Richard Montgomery High School. Mr. Flax relayed that when the police were called and responded, they told his wife that there are incidents at the shopping center and Richard Montgomery High School daily and indicated that these incidents are the result of the school's open lunch policy.

Mayor Van Grack expressed his sorrow that Mr. Flax's wife had encountered the problems at the shopping center. Further, he stated that his impression of Richard Montgomery High School students is contrary to that expressed by Mr. Flax. The Mayor noted that the community perception of the school has undergone a major change due to the efforts of the parents' association at the school and that the principal of Richard Montgomery High School has done an excellent job in changing that image especially with programs initiated at the school.

4. Gary Bonnet, 5 Hearthstone Court, addressed the matter of the Wootton High School Task Force noting that the report to Dr. Cody, due on April 1, 1987, will include a minority report. In addition, he advised the Mayor and Council that Superintendent Cody plans to make a decision on the Task Force Report by April 21, 1987.

5. Eugene Thiroff, 407 Mercer, spoke to the Mayor and Council regarding the fact that Cable TV has added a new dimension to citizens' forum. He stated that Mr. Flax's wife's perception of Richard Montgomery High School students are not true. He verified this fact because he lives near the high school and does not see the behavior of the students in that way. He further stated that Richard

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Montgomery is a very fine high school and was concerned that Mr. Flax's comments being broadcast on cable TV would have a very detrimental affect on the efforts for improvement being undertaken at the school.

Re: Introduction of Resolution of the Mayor and Council of Rockville, adopted pursuant to Article XI-E of the Constitution of Maryland, Section 13 of Article 23A of the Annotated Code of Maryland, and the Charter of the City of Rockville, to amend Sections 1 and 2 of Article II of the Charter of the City of Rockville so as to provide that the Council hold a meeting thirteen days after its election, and to delete the age requirements for members of the Mayor and Council.

On a motion of Councilman Hartogensis, there was introduced upon the table a resolution adopted pursuant to Article XI-E of the Constitution of Maryland, Section 13 of Article 23A of the Annotated Code of Maryland, and the Charter of the City of Rockville, to amend Sections 1 and 2 of Article II of the Charter of the City of Rockville so as to provide that the Council hold a meeting thirteen days after its election, and to delete the age requirements for members of the Mayor and Council.

Councilman Coyle asked for a description of the process that the Mayor and Council will be following in considering this legislation. Mayor Van Grack reviewed the process to date and noted that tonight is the beginning of the culmination of the process. In addition, he stated that the public hearing on the proposed legislation will be held on March 23, 1987. In response to a

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question from Councilman Coyle, City Manager Robinson stated that copies of the proposed ordinance and charter amendments are available to the public.

City Attorney Paul Glasgow noted that on the copy of the ordinance there are references in the right hand margin to the changes which are being proposed, included for ease of reading.

Re: Introduction of Resolution of the Mayor and Council of Rockville, adopted pursuant to Article XI-E of the constitution of Maryland, Section 13, of Article 23A of the Annotated Code of Maryland, and the Charter of the City of Rockville, to amend Sections 1, 2, 3, 5, and 7 of Article III of the Charter of the City of Rockville, so as to provide that members of the United States Uniformed Services are eligible to vote in City elections; to increase the number of members of the Board of Supervisors of Elections; to delete the section for becoming a candidate for elective public office; to provide that vacancies occurring on the Council within the first twelve months of the term be filled by special election; and to delete the penalty provisions.

Before the resolution was introduced, Councilman Abrams made a motion to delete Section 5 from the resolution that calls for a special election for a Council vacancy. The motion was duly seconded. Councilman Hartogensis noted that this item was discussed during the Mayor and Council work session and that the consensus of those present at the work session was to hold a special

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election at twelve months. He asked that the resolution be introduced as stated so that comments from the public can be received at the public hearing. Mayor Van Grack concurred with Councilman Hartogensis that the resolution be introduced as prepared; however, he noted that he may be prepared to eliminate that particular part of Section 5 depending upon comments at the public hearing.

The resolution was introduced by Councilman Hartogensis.

Re: Introduction of Ordinance to repeal Chapter 4, Sections 4-1.00 through 1.10 entitled "Elections" of the "Laws of Rockville" and to enact a new Chapter 4, Section 4-1 through Section 4-83 entitled "Elections" of the "Laws of Rockville" to provide definitions for use in connection with the ordinance; to establish election districts; to provide for the administration of the ordinance; to provide for voter registration and preservation of ballots; to provide for general elections, special elections and advisory referenda; to provide for the conduct of elections including, but not limited, absentee voting, election procedures, challengers and watchers, appointment of judges, voter assistance, and electioneering; to establish fair election practices regulating campaign financing to include the appointment of treasurers and campaign managers; to provide for reporting requirements of candidates and treasurers; to provide provisions for

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candidates joining slates and designating political committees; to establish a provision governing campaign depositories and petty cash funds; to provide for expenditures by the treasurer, as well as books, records and receipts of the treasurer; to regulate contributions and expenses of candidates including loans; to provide for contributions and expenses of persons not candidates; to regulate payment for walk-around services on election day; to require election reports to be filed by candidates, treasurers and committee chairman, and to provide forms for the reporting contributions and expenditures and receipts and disbursements; to establish requirements for election reports and statements and the preservation of reports, statements and accounts; to prohibit certain campaign practices; to establish requirements concerning advertising and the retention of samples of political matter published or distributed; to provide for remedies for violation of the ordinance; and in general, to establish provisions governing the entire election process in the City of Rockville.

Prior to introduction, Councilman Abrams asked that language in Section 4-14, Voter Registration, be changed to read, "Persons not registered with Montgomery County but eligible to vote in City elections shall be registered

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with the City pursuant to procedures to be adopted by the Board of Supervisors of Elections." He asked that this change be made in light of the fact that a single registration system with the County would not be implemented for the 1987 election. The Mayor and Council concurred on this change.

Councilman Hartogensis asked that in Section 4-51, subsection 3, subsection C, the language at the end of the paragraph, "and be either a resident of the City or have a business address in Rockville," be deleted. The Mayor and Council determined that this language should be left in the ordinance and that a decision be made after the public hearing.

On a motion of Councilman Abrams, there was introduced upon the table an ordinance in general to establish provisions governing the entire election process in the City of Rockville, as amended.

Re: Discussion on School
Boundaries and other
school issues.

Mayor Van Grack read a statement regarding Richard Montgomery High School. City Manager Robinson stated that the City has received information from the Police Department regarding the day of the incident of which Mr. Flax spoke. Apparently, that was the first day that service workers of the Montgomery County Public Schools were on strike and that the Police Department received calls from all high schools in the City. Mr. Robinson stated that staff will look into the specifics of this particular incident; however, he noted that students at all schools were let out for lunch and either drove to school or were driven to school.

Ruth Litzenberger and Fred Geldon were present at the meeting to discuss with the Mayor and Council their respective roles on the two school boundary task forces formed by the Montgomery County Public Schools. Ruth Litzenberger

spoke with the Mayor and Council first regarding the Northeast Mid-Boundary Task Force (NMIC). Because this task force was named a month after the other task force was named, it had not accomplished much work to date. In fact, only one meeting had been scheduled. In response to a question from Mayor Van Grack regarding the direction that the NMIC Task Force is heading, Ruth Litzenberger responded that one of the charges of the task force is to identify ways to channel additional students to Rockville High School. The Mayor and Council thanked Ruth for attending the meeting and for her work on the task force.

Fred Geldon spoke with the Mayor and Council on the ROGG Task Force (Rockville-Gaithersburg-Germantown). Mr. Geldon stated that the charge of the task force is to decide what the drawing areas will be for the two new high schools to be built in upper Montgomery County; Quince Orchard and Watkins Mill. In addition, the task force is to make recommendations on how to redefine school clusters in the areas of the two high schools. The Mayor and Council referred to a letter sent by Mr. Geldon in which he expressed a major concern of his that Ritchie Park Elementary School will be re-assigned from the Wootton High School cluster to the Richard Montgomery High School cluster.

Councilman Hartogensis noted that none of the 19 members of the ROGG Task Force are Rockville residents and that the City has only one non-voting observer on the task force, Fred Geldon. Mr. Geldon advised the Mayor and Council that, in all, there are five or six non-voting observers on the task force. These observers are not allowed to speak at task force meetings. They do receive the agenda for each meeting with backup material however. Councilman Coyle asked what the City's original understanding was of what our role would be on the task force. Councilman Abrams relayed that it is his recollection that our expectation would be that a voting member from the City would be included on the

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task force. Mr. Geldon concluded that there is really no function served by an observer as there is no opportunity for input or comment.

Councilman Abrams asked if the task force is looking at the potential drawing areas as they would look at a blank board, i.e., if no boundaries existed. Mr. Geldon responded that they are doing so in part, but only at the high school level. This is not true at the elementary school level where existing school boundaries have been left in tact. Councilman Abrams questioned the enrollment projections provided by the Board of Education for Beall Elementary School and Ritchie Elementary School suggesting that a straight line projection approach had been used. Mr. Geldon advised Councilman Abrams that the projections are from Dr. Philip Rohr's office and that a straight line projection has not been used.

Councilman Abrams asked that City staff request information from four years ago regarding the feeder schools for Richard Montgomery High School. In providing this information, he wants students in each of the fifth grade classes at the feeder schools to be identified and their names matched with those currently enrolled at Richard Montgomery High School in order to test the yield of the number of students from elementary schools to the high school. He stated that because the City is not requesting for names that the request would not violate the privacy of any of the students. He asked that the same information projecting forward be done for Ritchie Park Elementary School to see how many students currently enrolled at Wootton High School came from the Ritchie Park Elementary School four years ago.

Councilman Hartogensis noted that the City had included Rockville school population information in its trends and conditions briefing last fall. City Manager Richard Robinson noted that the information included in the trends and

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conditions briefing came from the School Board, and therefore, the information that the City has should be the same information that the School Board has.

Fred Geldon noted that the meetings of the task force are open to the public. The School Board staff provides information to task force members, but the staff has been directed not to provide any policy input. He feels there is generally a conscientiousness on the part of the School Board staff not to provide policy input. In response to a question from Mayor Van Grack regarding the process to be followed from this point forward, Mr. Geldon replied that each of the committees of the task force will be voting on their various recommendations. Reports from the committees are to be prepared that will include a minority report, and all reports will be presented to the entire task force on March 18 and March 19, 1987. A final consolidated task force report is to be presented to Dr. Cody on April 1, 1987. He stated that he is not aware of any formal mechanism for the City of Rockville to provide input at this stage.

Councilman Abrams asked if there is any additional information that Mr. Geldon feels the City should be requesting of the School Board. Mr. Geldon responded that there is none that he is aware of at this time. Councilman Abrams restated his request that City staff prepare a letter to the School Board requesting additional information concluding that he would like the ultimate decision to be based upon the best possible data. However, Mr. Geldon noted that it is unlikely that new data will affect a decision of the task force.

Councilman Abrams noted that the Mayor and Council have scheduled a work session with the Public Education Advisory Commission for March 16, 1987. He suggested that during the work session the commission be asked to advise the Mayor and Council of its sentiment towards reviewing the City's policy of no boundary changes within the City limits. Councilman Hartogensis stated that he

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is upset with the treatment that Mr. Geldon is receiving by the task force as a non-voting observer. He made reference to the City's memorandum of understanding with the School Board regarding the City's ability to provide input into Board decision and stated that he feels that the status of Mr. Geldon on the task force violates this memorandum of understanding.

Re: For Your Information/
Correspondence

There were no items of information or correspondence for the Mayor and Council.

Re: New Business

1. Councilman Coyle stated that he attended the recent meeting of the Human Rights Commission and that members were upset regarding the lack of staff support they feel they are receiving from the City and the way that City programs in the area of human rights are being conducted. He stated that only one copy of the Police Consultant Study Report was made available to commission members, and therefore, they were not able to testify at either of the public forums. Councilman Coyle felt it was an omission on the part of the City. In addition, Councilman Coyle reported that members of the commission expressed concern over the City's follow-up on the Housing Discrimination Report. Councilman Coyle also expressed dissatisfaction with the meeting that the Chairman of the Human Rights Commission and the Mayor and City staff held. He feels that all members of the Mayor and Council should have been invited to the meeting. He was told by City staff at the Human Rights Commission meeting which he attended not to take a summary of the meeting held with the Mayor and City staff from the room that evening. Finally, Councilman Coyle relayed concerns by members of the Human Rights Commission over the way complaints are being handled

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by the City and the investigations are being done. He suggested that a work session be held very soon between the Mayor and Council and members of the Human Rights Commission.

Councilman Abrams thanked Councilman Coyle for bringing the issue to the attention of the Mayor and Council. He stated he was not sure whether a work session is appropriate as a first step and suggested instead that the Mayor and Council meet in executive session with the City Manager to see what is being done at the staff level. After such a meeting, a work session would be then more productive. Councilman Hartogensis conveyed that he supports Councilman Coyle's suggestion given that the Mayor and Council can meet with staff in executive session at any time. However, he suggested that an executive session be scheduled before the work session.

Mayor Van Grack relayed a discussion he had with Councilman Coyle the Friday preceding the meeting. He stressed that the issue is the role of the Human Rights Commission in the City and that the minute summary asked that the Human Rights Commission give the Mayor and Council its sense of what it wants. After conferring with the City Clerk, it was determined that a work session between the Mayor and Council and the Human Rights Commission is scheduled for April 20, 1987. Members of the Mayor and Council concurred that an executive session with staff be held prior to the April 20, 1987, work session.

Councilman Hartogensis asked that Bob Dorsey, a member of the Commission who was present that evening, respond to some of the concerns expressed by Councilman Coyle. Mr. Dorsey confirmed that Councilman Coyle's comments are on the right track; however, he said he is not prepared to respond more fully. He stated that he is concerned that information is received well in advance in

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order to make informed decisions. He appreciates Councilman Coyle bringing the issue to the Mayor and Council as he promised he would.

Councilman Abrams asked that prior to the April 20, 1987, work session between the Mayor and Council and the Human Rights Commission information on the Human Rights Commission's role in the complaint handling process be provided.

Re: Executive Session

On a motion from Councilman Hartogensis, duly seconded and passed, the meeting was closed for executive session to discuss personnel and public safety.

Re: Adjournment

There being no further business to come before the Mayor and Council in executive session, the meeting was adjourned at 11:50 p.m. to convene again in executive session on Wednesday, March 4, 1987, at 7:30 p.m. or at the call of the Mayor.